

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

V5 TECHNOLOGIES, LLC,
Plaintiff(s),
v.
SWITCH, LTD., et al.,
Defendant(s). } Case No. 2:17-cv-02349-KJD-NJK
} ORDER
} (Docket No. 28)

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motion to dismiss. Docket No. 28; *see also* Docket No. 26 (motion to dismiss). The parties dispute the proper schedule for briefing and resolving the motion to stay discovery. Defendants want the motion briefed and resolved on an emergency basis in light of their upcoming discovery obligations. *See* Docket No. 28-1 at ¶ 12.¹ Plaintiff wants the motion to be decided in the normal course, arguing that it must otherwise effectively brief its opposition to the motion to dismiss prior to the deadline set for that filing. *See* Docket No. 29 at 3.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.1988). Resolving a motion to stay discovery requires an evaluation of the arguments presented in the underlying motion to dismiss and subsequent briefing. *See, e.g., Kor Media*

¹ In particular, the deadline for initial disclosures is upcoming, as is the response deadline for the 92 requests for production of documents that Plaintiff has served. *See id.* at ¶ 9.

Group, LLC v. Green, 294 F.R.D. 579, 581 (D. Nev. 2013) (addressing “preliminary peek”). As such, the Court generally prefers deferring ruling on a motion to stay discovery until the briefing on an underlying motion to dismiss has been completed.

4 The Court hereby enters an **INTERIM** stay of discovery pending resolution of the motion to stay
5 discovery. The Court further **ORDERS** that Plaintiff's response to the motion to stay discovery shall
6 be filed concurrently with its response to the motion to dismiss, and that Defendants' reply thereto shall
7 be filed concurrently with their reply to the motion to dismiss.²

IT IS SO ORDERED.

9 DATED: October 23, 2017


NANCY J. KOPPE
United States Magistrate Judge

² Although these briefs are to be filed concurrently, each must be filed as separate documents addressing the distinct issues and standards of a motion to dismiss and a motion to stay discovery. *See, e.g.*, Local Rule IC 2-2(b).